

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

SECURITIES AND EXCHANGE COMMISSION,	§	
	§	
V.	§	Case No. 6:23-cv-00321
	§	
ROY W. HILL, et al.	§	

**UNOPPOSED MOTION TO APPOINT APPRAISERS, TO APPROVE APPRAISALS,
TO SET A HEARING TO CONSIDER CONFIRMATION OF
THE SALE OF REAL ESTATE IN OCALA, FLORIDA**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Receiver ALBERT C. “TRÉ” BLACK, III (the “Receiver”) moves the Court for relief necessary to sell certain real estate, respectfully stating:

I.
INTRODUCTION

1. This motion concerns certain property owned by Defendant Eric Shelly (“Shelly”) that is located in Ocala, Florida.

II.
APPLICABLE LAW

2. To sell real estate in a receivership, it is necessary to comply with the statutory procedures set forth in 28 U.S.C. § 2001 that require appraisal, notice, and hearing. *Acadia Land Co. v. Horuff*, 110 F.2d 354 (5th Circ. 1940).

3. A receiver complies with the statute where:

- a. The Court appoints three disinterested appraisers and accepts their appraisals;
- b. The Court sets a hearing for sale approval; and

- c. The receiver publishes notice of the proposed sale in a local newspaper allowing ten days for persons to offer at least ten percent more than the price offered for the property in the proposed sale.

SEC v. Gallagher, Case No. 3:19-cv-575-C, Doc. 211, 2020 WL 5898799 (N.D. Tex. Sept. 30, 2020) (Horan, M.J.), *accepted and adopted and sale confirmed*, Doc. 212, 2020 WL 5898961 (N.D. Tex. Oct. 5, 2020) (Cummings, C. J.).

4. Where such procedures have been taken, the Court may approve and confirm a private sale of the price offered, or such (at least) ten percent higher bid if made, and direct the receiver to execute a special warranty deed conveying the property. *Id.*

III. FACTS

5. The Property is a residence and surrounding pasture and horse barn located at 10579 S.W. 11th Terrace, Ocala, FL 34476 that is also described as Lot 17, EQUINE ESTATES, as per the Plat thereof recorded in Plat Book 6 at Page 97 of the public records of Marion County, Florida and all improvements located thereon (the “Property”).

6. The Property has been appraised by the following appraisers, who have determined the valuations shown:

- (1) Dawson Appraisal Services LLC - \$1,150,000 [Appx. 3];
- (2) McCalip & Morales Appraisal Service, Inc. - \$1,100,000 [Appx. 49]; and
- (3) Rhodes & Rickolt, PA – \$1,520,000 [Appx. 84]

[App. 2-108].

7. Two-thirds of the average of these appraisals is \$1,256,667.

8. The proposed sale price is \$1,300,000 [Appx. 109].

9. The Receiver proposes to publish notice of the sale and hearing in the Ocala StarBanner, which is the principal newspaper for Ocala, Florida. The notice will state the date of the hearing, the amount of the sale price, the opening of the period of ten days within which any person may submit of bid of at least 10% more than the sale price offered, and the means of submitting a bid.

10. The Receiver further requests that the Court set a hearing to confirm the sale as proposed, or to the highest ultimate bidder, at least two weeks hence, so that notice may be properly provided.

PRAYER

WHEREFORE, PREMISES CONSIDERED, for the reasons stated above, the Receiver prays that the Court appoint the above-listed appraisers; accept the appraisals tendered herewith; and set a hearing to consider confirmation of the sale.

Respectfully submitted,

/s/ Dennis Roossien

Dennis L. Roossien, Jr.

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ATTORNEY FOR RECEIVER

CERTIFICATE OF CONFERENCE

Based upon my communications with counsel for the parties, and other interested parties, I understand this motion to be unopposed.

/s/ Dennis Roossien

Dennis L. Roossien, Jr.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing will be served on all counsel of record via ECF contemporaneously with its filing.

/s/ Dennis Roossien

Dennis L. Roossien, Jr.